

WUERSCH & GERING

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June 27, 2024

Via ECF and Electronic Mail

Hon. Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square, Room 2103
New York, N.Y. 10007
Failla_NYSDChambers@nysd.uscourts.gov

MEMO ENDORSED

Re: *Fernandez v. Davines North America, Inc.*, Case No. 1:24-cv-04218-KPF (S.D.N.Y.)
**Letter Motion for Extension of Time to Respond to Complaint and to Adjourn
Initial Pretrial Conference**

Dear Judge Failla:

This law firm represents Defendant Davines North America, Inc. (“Davines”) in the above-referenced litigation. Pursuant to Section 2(C)(i) of Your Honor’s *Individual Rules of Practice in Civil Cases* and the Court’s Notice of Initial Pretrial Conference (Dkt. 6), we are writing to respectfully request (1) a thirty-day extension of time for Davines to answer, move and plead, or otherwise respond to Plaintiff’s Complaint, and (2) an adjournment of the Initial Pretrial Conference (currently scheduled for July 18, 2024) for a period of four weeks.

The proposed extension of time and adjournment are requested to afford Davines time to investigate the allegations in the Complaint and to respond appropriately. This is Davines’ first request for either an extension of time or an adjournment. Plaintiff has consented to both the proposed extension of time and the proposed adjournment.

The proposed extension of time would move Davines’ deadline to respond to the Complaint from July 1, 2024 to July 31, 2024. The proposed adjournment would adjourn the Initial Pretrial Conference to August 15, 2024, at 10:00 a.m., or a later time and/or date convenient to the Court.¹

¹ The Court’s Notice of Initial Pretrial Conference directs the parties to submit, by Thursday of the week before the Initial Pretrial Conference, a Proposed Civil Case Management Plan and Scheduling Order and a joint letter addressing certain case-related matters. Dkt. 6 at 1–2. With Plaintiff’s consent, Davines respectfully requests that the Court permit the parties to file their submissions by Thursday of the week before the rescheduled Initial Pretrial Conference.

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We thank the Court for its attention to this matter.

Respectfully Submitted,

/s/ Maria Luisa Palmese

Maria Luisa Palmese

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Attorneys for Defendant

Davines North America, Inc.

cc: Counsel of Record (via ECF)

Application GRANTED. Defendant shall answer or otherwise respond to the complaint on or before **July 31, 2024**. The initial pre-trial conference is hereby ADJOURNED to **August 14, 2024**, at **2:30 p.m.**

The Clerk of Court is directed to terminate the pending motion at docket number 9.

Dated: June 28, 2024
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE